

APPEAL NO. 010538

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 14, 2001. With respect to the issues before her, the hearing officer determined that the appellant/cross-respondent (claimant) sustained a carpal tunnel syndrome (CTS) injury in the course and scope of his employment on _____; that the claimant did not timely report the injury and did not have good cause for failing to do so; and that the claimant did not suffer disability. The determination that the claimant's date of injury was _____, has not been appealed and has become final. The claimant appeals the hearing officer's decision, claiming the hearing officer erred in finding that he did not have continuing good cause for failure to report the injury. The respondent/cross-appellant (carrier) appeals the determination of the CTS injury on sufficiency grounds and requests that the decision and order on that issue be reversed and rendered in its favor.

DECISION

Affirmed.

The claimant alleges a compensable injury, bilateral CTS. The evidence, while in conflict, supports the hearing officer's decision.

The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)), and determines what facts have been established from the conflicting evidence. St. Paul Fire & Marine Insurance Company v. Escalera, 385 S.W.2d 477 (Tex. Civ. App.-San Antonio 1964, writ ref'd n.r.e.). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge